

ORAL ARGUMENT NOT YET SCHEDULED

No. 23-5159

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

MATTHEW D. GREEN, ET AL.,

Plaintiffs-Appellants,

v.

UNITED STATES DEPARTMENT OF JUSTICE, ET AL.,

Defendants-Appellees.

On Appeal from the United States District Court for the District of Columbia,
No. 1:16-cv-01492-EGS, Hon. Emmet G. Sullivan

**NOTICE BY KARTEMQUIN EDUCATIONAL FILMS AND
INTERNATIONAL DOCUMENTARY ASSOCIATION OF INTENT TO
PARTICIPATE AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFFS-
APPELLANTS AND REVERSAL**

Jack I. Lerner (CA SBN 220661)
UCI INTELLECTUAL PROPERTY, ARTS, AND
TECHNOLOGY CLINIC
401 E. Peltason Dr.
Irvine, CA 96297
(949) 824-7684
jlerner@law.uci.edu

December 6, 2023

Counsel for Amici Curiae

NOTICE OF INTENT TO PARTICIPATE AS *AMICI CURIAE*

Pursuant to Circuit Rule 29(b), and the guidance set forth in Section IX(A)(4) of this Court's Handbook of Practice and Internal Procedure, Kartemquin Educational Films and the International Documentary Association hereby notify this Court of the intent to participate as *amici curiae* and to file a brief *amicus curiae* in the above-captioned matter in support of Plaintiff-Appellants and reversal.

Counsel for both Plaintiff-Appellants and Defendant-Appellees in the above-captioned matter have indicated that they consent to the filing of timely filed *amicus* briefs in this matter.

Kartemquin Educational Films and the International Documentary Association intend to file an *amicus* brief of no more than 6,500 words, addressing points not made by the Plaintiffs-Appellants, that will aid the Court's consideration of this case.

Kartemquin Educational Films and the International Documentary Association are nonprofit organizations that produce and fund independent films, support the independent filmmaking community, and advocate for independent filmmakers. Kartemquin Educational Films and the International Documentary Association led a group of organizations representing thousands of independent filmmakers nationwide that has participated in every rulemaking since 2008 conducted pursuant to the statute at issue in this case. No other individuals or

organizations are known to intend to file a brief on behalf of this particular position or are in a position to articulate the particular experiences of Kartemquin Educational Films and the International Documentary Association.

Kartemquin Educational Films is a not-for-profit media arts organization and collaborative center for documentary media makers who seek to foster a more engaged and empowered society. In 2016 Kartemquin celebrated 50 years of sparking democracy through documentary. A revered resource on issues of fair use, ethics, storytelling and civic discourse, Kartemquin is internationally recognized for crafting quality documentaries backed by innovative community engagement, and for its filmmaker development programs and media advocacy. The organization has won almost every major critical and journalistic prize for documentary filmmaking.

International Documentary Association is an organization that seeks to assist the growth and development of documentary films and the overall documentary culture. IDA provides educational programs and resources to documentary makers of various skill levels. IDA's grant programs help filmmakers attain the financing necessary to create documentary films. IDA also advocates for major issues that affect documentary filmmakers, including free speech and fair use.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1(a), *amici* represent that they have no parent corporations and that no publicly held company has a 10% or greater ownership interest in them.

Amici are nonprofit organizations.

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to Circuit Rule 28(a)(1), Kartemquin Educational Films and the International Documentary Association certify as follows.

(A) Parties and Amici. Except for *amici* listed herein and any other *amici* who have not yet entered an appearance in this Court, all parties, intervenors, and *amici* appearing before the district court are listed in the Brief for Plaintiffs-Appellants filed November 29, 2023.

(B) Rulings Under Review. References to the rulings at issue appear in the Joint Appendix filed November 29, 2023 (Docket No. BL-19). The ruling under review is the district court's June 27, 2019 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss (ECF. Nos. 24, 25).

(C) Related Cases. This case has previously been before this Court as Case No. 21-5195. There are no related cases currently before this Court, or any other court.

Respectfully submitted,

UCI INTELLECTUAL PROPERTY, ARTS,
AND TECHNOLOGY CLINIC

Dated: December 6, 2023

/s/ Jack I. Lerner.
Jack I. Lerner

University of California, Irvine School of Law
401 E. Peltason
Irvine, CA 92697
(949) 824-7684
jlerner@law.uci.edu

Counsel for Amici Curiae

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: December 6, 2023

/s/ Czarina Ellingson.
Czarina Ellingson

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